

PUBLIC ACCESS TO ADMINISTRATIVE ACTIONS

2016 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill modifies the Administrative Procedures Act to address public access to administrative actions.

Highlighted Provisions:

This bill:

- ▶ addresses access of information on public state-controlled websites;
- ▶ addresses application of the Government Records Access and Management Act; and
- ▶ addresses the Open and Public Meetings Act.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

63G-4-106, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63G-4-106** is enacted to read:

63G-4-106. Access to state-controlled websites.

(1) As used in this section:

(a) "Administrative disciplinary action" means, subject to the limitations described in Section 63G-4-102, an agency's action taken in accordance with this chapter against an individual that affects a legal interest of the individual, including an agency action to deny, revoke, suspend, modify, annul, withdraw, condition, or amend an authority, right, or license.

(b) "Notice of agency action" means a notice of agency action issued under Section 63G-4-201.

(c) "State-controlled website" means a website:

(i) operated by:

(A) an agency; or

(B) a third party pursuant to a contract with an agency under which the agency controls the data available to the public; and

(ii) that includes personally identifiable information.

(2) Unless otherwise required by federal law, if an agency maintains, on a state-controlled website available to the public, a notice of agency action or an order related to administrative disciplinary action, the agency shall remove from public access on the state-controlled website:

(a) a notice of agency action and any related order that contains information related to an administrative disciplinary action by no later than 10 years from the date the final order is issued; or

(b) if no final order is issued related to a notice of agency action that contains information related to an administrative disciplinary action within a reasonable time not to exceed 10 years from the date the notice of agency action is issued, the notice of agency action and any related order by no later than 10 years from the date the last related order is issued.

(3) Notwithstanding Subsection (2):

(a) a notice of agency action or order issued in accordance with this chapter shall maintain its record classification pursuant to Subsection 63G-2-301(2)(c) or (3)(t); and

(b) a person may make a request for the notice of agency action or order in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(4) A notice of agency action or order under this section does not include a recording, written minutes, or any other record created in compliance with Title 52, Chapter 4, Open and Public Meetings Act.